

TFAC/SFAC Penalty Workgroup Handout May 2015

Suggested Changes to Penalty and Fine Schedules for 2016

FINE SCHEDULE

New regs/statutes

- COMAR 08.02.04.03F – NSSP provisions for oysters
 - Similar Existing Fine– same penalty for aquaculture - \$650
- COMAR 08.02.05.02P – fishing/crabbing on a leased area (causing damage)
 - Similar Existing Fine – prohibited act on aquaculture or submerged land lease area – Must Appear
 - Similar Existing Fine – soft shell clam dredging on leased bottom - \$650
- COMAR 08.02.05.07D – menhaden permit operator provisions – someone other than permittee or operator using permit (or failure to be named as operator, multiple operators, etc.)
 - Similar Existing Fine – operating without required permit - \$650
- COMAR 08.02.05.13D – commercial catch limit for spotted sea trout
 - Similar Existing Fine – weakfish - 1-5 fish: \$50, 6-10 fish: \$100.00, 11+ fish: \$105.00 + 5.00 per fish
- COMAR 08.02.05.24F – spiny dogfish permit operator provisions
 - Similar Existing Fine - operating without required permit - \$650
- COMAR 08.02.01.13 – Fisheries Management Area rules
 - No existing similar fines
 - One rule was previously located elsewhere – feeding wildlife – carried \$50 fine – keep?
- COMAR 08.02.25.02 and .03 – currently only lists rec gear – penalty table has projectile gear split out from other gears (higher penalties) due to public safety – should the fine for projectile gear be increased based on public safety issues?

PENALTY SCHEDULE

Possible changes to current entries

Recreational

- Tidal black bass (largemouth and smallmouth) – currently follows numbers of other fish in tidal waters, but differs from penalties for black bass in nontidal waters – should there be a standardized penalty for both tidal and nontidal?
 - Nontidal
 - 180 days
 - Season violation
 - Exceeding daily catch or possession limits
 - 50-99% of creel limit undersized
 - 365 days – 100% or more of creel limit undersized
 - Tidal
 - 90 days: 4-6 fish undersized or over the limit
 - 180 days: 7-10 fish undersized or over the limit
 - 365 days: 11 or more fish undersized/over the limit
- 180 days
 - COMAR 08.02.11.01C – only has possession of trout in C&R area – should we add other C&R area violations (e.g. use of bait)? And at what level?

- COMAR 08.02.15.03D – targeting striped bass in a closed area – currently at 180 days, but possession of striped bass during closed season is 365 – should we make offenses equal, and at what level?
- 365 days
 - Fishing on a suspended license – should we increase penalty?
- Do we add related offenses to the Lacey Act category? (i.e. conspiracy)

Charter

- Tier I (5 points/no suspension) – Crabs – daily catch limit – should we increase potential penalty as we have may have increased catches on crabbing charters? (The recreational penalty is a 90 day suspension.)
- Tier III (15 points/60 days) – this is the maximum penalty for a size limit or creel limit violation for most fish, regardless of the number (number where this penalty applies differs by species) (max penalty for SB, tuna, billfish, swordfish, or sharks is 30 points/365 days – do we want to make all fish similar or not?)
- Tier VI (30 points/365 days) – Lacey Act misdemeanor – should we combine with Lacey Act felony and make any Lacey Act violation result in potential revocation? Do we add related offenses to the Lacey Act category? (i.e. conspiracy)

Commercial

- Tier V
 - Move dynamiting from Tier V (25 points/180 days) to Tier VI (30 points/365 days) (Would make the suspension time match recreational and charter.)
- Tier VI
 - Add 4-1210(d) to list of “suspended or revoked” authorities
 - Move Lacey Act misdemeanor from Tier VI to Tier VII – any Lacey Act violation would then potentially result in revocation. Do we add related offenses to the Lacey Act category? (i.e. conspiracy)

Regs/statutes that may need to be added

Recreational

- COMAR 08.02.03.06 – number of collapsible crab traps
 - Suggested level: 90 days (troutline length violation currently set at 90 days)
- COMAR 08.02.05.04 – size of white perch – do we want to add this for more egregious offenses (25+? 50+?) – we have had a number of violations exceeding 100 fish and there is no administrative penalty
 - Suggested levels: 90 days for 20+, 180 days for 50+, 365 days for 100+
- COMAR 08.02.15.12B – take/possess SB between midnight and 5 a.m.
 - Suggested level: Maybe set at varying fish levels?
- COMAR 08.02.15.12H – violation of SB public notice
 - Set at the same levels as catch limits?

Charter

- COMAR 08.02.15.12H – violation of SB public notice
 - Set at the same levels as catch limits?

Commercial

- COMAR 08.02.15.07F – exceeding commercial catch limit
- COMAR 08.02.15.12H – violation of SB public notice
 - Set at the same levels as catch limits?